

## REMARKS

In view of the above amendments and the following remarks, reconsideration of the rejections contained in the Office Action of October 29, 2008 is respectfully requested.

In the outstanding Office Action, the Examiner withdrew a previous indication of allowable subject matter, and rejected claims 14, 15, 24-26, and 28-30 as being unpatentable over the Enomoto reference (US Publication 2003/00322284). However, the Examiner has maintained that claims 16 and 31-35 are allowed, and the Applicants appreciate this continued indication of allowability.

Although the Applicants do not acquiesce to the Examiner's rejections, independent claim 14 has now been cancelled, and rejected independent claims 15 and 24 have been amended so as to further distinguish the present invention from the prior art, in an effort to hasten allowance of this application. Therefore, for the reasons discussed below, it is respectfully submitted that amended independent claims 14 and 24, as well as the claims that depend therefrom, are clearly patentable over the prior art of record.

Each of independent claims 15 and 24 has now been amended to clarify the order of the process steps in the claimed method. In particular, the claims have now been amended to clarify that the process of decreasing grain boundaries on the surface of the metallic silicide layer is performed *after* the forming of the gate electrode including the silicon nitride (SiN) layer (see page 6, line 16 thru page 7, line 12 of the original specification). Thus, the step of decreasing grain boundaries on the surface of the metallic silicide layer is preformed after both the upper surface and the lower surface of the metallic silicide layer is covered (the upper surface being covered by the SiN layer). As a result, the lengthwise bias of the decreasing grain boundary is deceased.

In paragraph [0072] of the Enomoto reference, it is explained that a silicide layer (metallic silicide layer) is formed on each of the gate electrodes 7, as illustrated in Figure 3. It is further explained that the silicide layer 13 is formed by performing heat treatment, and the Examiner presumably equates this heat treatment to the step of decreasing grain boundaries on a surface of the metallic silicide layer by performing a heat treatment, as recited in independent

claims 15 and 24. However, the Enomoto reference then explains in the following paragraph [0073] that “*next*, as illustrated in Fig. 4, a silicon nitride film 15 and a silicon oxide film 16 are deposited on the substrate 1 by CVD” (emphasis added). In other words, the process of decreasing grain boundaries by performing a heat treatment on the metallic silicide layer is performed *before* forming the silicon nitride (SiN) layer. Thus, the Enomoto reference clearly does not teach or even suggest decreasing grain boundaries on a surface of the metallic silicide layer *after* forming of the gate electrode including the SiN layer, as now recited in amended independent claims 15 and 24. Accordingly, it is respectfully submitted that amended independent claims 15 and 24, as well as the claims that depend therefrom, are clearly patentable over the prior art of record including the Enomoto reference.

The Examiner’s attention is also directed to new dependent claims 36 and 37, which further define the arrangement of the steps in independent claims 15 and 24. In this regard, paragraph [0071] of the Enomoto reference clearly explains that the spacers 10 are formed on the side wall of a gate electrode *well before* the step of decreasing grain boundaries on the surface of a metallic silicide layer. Thus, it is submitted that the subject matter recited in dependent claims 36 and 37 further distinguishes the present invention from the prior art of record.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance. However, if the Examiner should have any comments or suggestions to help speed the prosecution of this application, the Examiner is requested to contact the Applicant's undersigned representative.

Respectfully submitted,

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